



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO
09938342	8/24/2001	DIRK INZE	2283-462

EXAMINER	
C. COLLINS	
ART UNIT	PAPER NUMBER
1638	8

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Cynthia Collins (3) _____
(2) Amy Nelson (4) _____
Date of Interview 8/26/2003

Type: Telephonic Televideo Conference Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No If yes, brief description _____

Agreement was reached. was not reached

Claim(s) discussed: ALL

Identification of prior art discussed: NONE

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: DISCUSSED THE RESTRICTION REQUIREMENT IN LIGHT OF THE BREADTH OF THE CLAIMS AND THE INDEPENDENCE OF CLAIMS 142, 5, 6, & 7. EXAMINER EMPHASIZED THAT BROAD CLAIMS COULD BE INTERPRETED IN MORE THAN ONE WAY. ATTORNEY EMPHASIZED EXPRESSION OF EXPLAINS BEING THE INVENTIVE CONCEPT
(A fuller description, if necessary, and a copy of the amendments, if available, which the Examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04) If a reply to the last Office action has not been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§1 133 Interviews

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in 66.111 and 1.135 (35 U.S.C. 132).

§ 12 Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation or understanding in relation to which there is disagreement, doubt, or dispute.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of inter partes.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two sheet carbon interleaved Interview Summary Form for each interview held after January 1, 1978 where a matter of substance is discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwriting using a ball point pen. Directions regarding recording requirements for which interview recording is otherwise provided for in Section 812.01 of the Manual of Practice and Procedure are contained in the *Examiner Procedure* portion of the *Typical Criminal Interview Record* in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the recording requirements.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the header. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of examiner
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of agreements or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner contrary to law)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

If it is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate memo of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes or is supplemented by the applicant or the examiner to include, all of the applicable items required by this section.

A complete and proper recitation of the substance of any interview should include at least the following applicable items:

1. A brief description of the nature of any exhibit shown or any demonstration conducted.
2. An identification of the specific topics discussed.
3. An identification of specific items discussed.
4. An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form, completed by the examiner.
5. A brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner.
6. A general indication of any other pertinent matters discussed, and
7. A general indication of the general result or outcome of the interview, unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the Examiner will give the applicant one month from the date of the notifying letter to complete the reply, and thereby avoid abandonment of the application (37 CFR 1.132).

$$E_{k+1} \rightarrow \mathbb{C}^n \otimes \mathbb{C}^{n-k} \otimes A_{k+1} \otimes \dots$$

As part of his summary of what has been said in the interview, it should be carefully checked to determine the accuracy of any argument or statement attributed to the document during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next OFFICE letter of response. As part of his summary of what has been said in the interview, the examiner should send a copy of the statement attributed to him to the applicant or his or her attorney, along with the interview record, when the interview record is filed. In the paper record, the substance of the interview along with the date and the examiner's name should be included.